

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TRACY YVONNE COOPER, as Administrator,
of the Estate of TERRY L. COOPER, JR.,

Plaintiff,

9:19-cv-362
(AMN/ML)

v.

PATRICK M. CLANCY, STEVEN W. WOOD,
KOLBY M. DUFFINA,

Defendants.

Hon. Anne M. Nardacci, United States District Judge:

VERDICT SHEET

PLEASE NOTE

- Each Juror will be provided with a Verdict Sheet. However, your verdict should be reported to the Judge on **ONLY ONE verdict sheet, signed by the jury foreperson**. The remaining Verdict Sheets should be returned to the courtroom deputy unsigned, following the completion of your deliberation.
- Please carefully follow the bold-type directions accompanying each question.
- Please indicate your response to the following questions by placing an "X" on the appropriate lines.

Question 1

Eighth Amendment – Excessive Force

Do you find that Plaintiff Tracy Yvonne Cooper, as Administrator of the Estate of Terry L. Cooper Jr., has proven by a preponderance of the evidence each and every element of her Eighth Amendment excessive force claim under 42 U.S.C. § 1983 against

| | | |
|------------------------------|--------------|-------------|
| Defendant Patrick M. Clancy? | Yes <u>X</u> | No _____ |
| Defendant Steven W. Wood? | Yes <u>X</u> | No _____ |
| Defendant Kolby M. Duffina? | Yes _____ | No <u>X</u> |

If you answered Yes for any Defendant in Question 1, proceed to Question 2. If you answered NO for every Defendant in Question 1, you must answer NO for every Defendant in Question 2.

Question 2

Eighth Amendment – Failure to Intervene

Do you find that Plaintiff Tracy Yvonne Cooper, as Administrator of the Estate of Terry L. Cooper Jr., has proven by a preponderance of the evidence each and every element of her Eighth Amendment failure to intervene claim under 42 U.S.C. § 1983 against

| | | |
|------------------------------|--------------|----------|
| Defendant Patrick M. Clancy? | Yes <u>X</u> | No _____ |
| Defendant Steven W. Wood? | Yes <u>X</u> | No _____ |
| Defendant Kolby M. Duffina? | Yes <u>X</u> | No _____ |

If you answered YES for any Defendant in Question 1 or Question 2, proceed to Question 3 on the next page. If you answered NO for every Defendant in Question 1 and Question 2, your deliberations are complete. The Foreperson should sign and date the final page of this Verdict Sheet and inform the Court Security Officer that a unanimous verdict has been reached.

Question 3**Compensatory or Nominal Damages**

If one or more of Defendants are found liable to Plaintiff Tracy Yvonne Cooper, as Administrator of the Estate of Terry L. Cooper Jr., under 42 U.S.C. § 1983, the liable Defendants (if more than one) are jointly and severally liable for whatever compensatory damages you determine Plaintiff has suffered. (*Please Note:* If you find that Terry L. Cooper Jr.'s rights were violated but that Plaintiff has failed to prove by a preponderance of the evidence that neither Terry L. Cooper Jr. nor Terziah Cooper suffered any actual damages, then you must return an award of nominal damages in the sum of \$1.00.)

What amount of compensatory damages against the Defendant(s) do you award Plaintiff Tracy Yvonne Cooper, as Administrator of the Estate of Terry L. Cooper Jr., for Terry Cooper Jr.'s pain and suffering?

\$ 1.5 Million

What amount of compensatory damages against the Defendant(s) do you award Plaintiff Tracy Yvonne Cooper, as Administrator of the Estate of Terry L. Cooper Jr., for Terry Cooper Jr.'s loss of enjoyment of his life?

\$ 5.0 Million

OK GWC

What amount of compensatory damages against the Defendant(s) do you award Plaintiff Tracy Yvonne Cooper, as Administrator of the Estate of Terry L. Cooper Jr., for monetary losses sustained by Terziah Cooper, Terry L. Cooper Jr.'s child?

\$ 1.75 Million

Proceed to **Question 4** only as to the Defendant(s) for whom you answered YES to **Question 1** or **Question 2**.

Question 4**Punitive Damages**

Do you find that Plaintiff Tracy Yvonne Cooper, as Administrator of the Estate of Terry L. Cooper Jr., is entitled to an award of punitive damages in connection with her claims under 42 U.S.C. § 1983 against:

| | | |
|------------------------------|--------------|-------------|
| Defendant Patrick M. Clancy? | Yes <u>X</u> | No _____ |
| Defendant Steven W. Wood? | Yes <u>X</u> | No _____ |
| Defendant Kolby M. Duffina? | Yes _____ | No <u>X</u> |

The Foreperson should sign and date this Verdict Sheet and inform the Court Security Officer that a unanimous verdict has been reached.

Foreperson:

[Redacted Signature]

Redacted

Date:

11 / 15 / 23